SUBJECT: Application for Changes in Zoning for the Lands Located at 9862 Twenty Road West (Glanbrook) (PED09296) (Ward 11)

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-08-081, by Carol Ann Blaylock and Gail May Blaylock, Owners, for changes in zoning from the Existing Residential “ER” Zone to the Residential “R4-258” Zone, with a Special Exception, to facilitate Severance Applications GL/B-08:165 and GL/B-08:166 to create two residential building lots fronting onto Kopperfield Lane, on the rear portion of the lands located at 9862 Twenty Road West; and, to the Residential “H-R4-258” Zone, with a Special Exception, and a Holding provision to allow for future residential development on the balance of the subject lands, as shown on Appendix “A” to Report PED09296, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09296, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), and in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of this application is for changes in zoning on the subject lands to facilitate the severance of the property to create two new building lots fronting onto Kopperfield Lane, and to change the zoning on the balance of the subject lands for future residential development (see Appendix “A”).

The application can be supported since it is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan. The proposal is compatible with existing and proposed development in the area, and implements a condition of approval for Consent Applications GL/B-08:165 and GL/B-08:166 (Condition 4 - Appendices "C" and "D").

BACKGROUND:

Proposal

The Owner initially applied for a change in zoning on the lands known as 9862 Twenty Road West (see Appendix “A”), from the Existing Residential “ER” Zone to the Residential “R4-258” Zone, to facilitate the severance of the rear portion of the lands to create two new building lots fronting onto Kopperfield Lane for the development of single detached dwellings. The application was amended to also change the zoning of the balance of the subject lands to the Residential “H-R4-258” Holding Zone to allow for future residential development. Modifications to the R4 zone, with respect to lot frontage, area, front and side yard setbacks have been requested.

Severance Applications GL/B-08:165 and GL/B-08:166

On December 19, 2008, the Owners applied for consent to sever the rear portion of their property (GL/B-08:165) (see Appendix “C”), and then to sever that parcel into two new building lots for the development of single detached dwellings (GL/B-08:166) (see Appendix “D”). The Committee of Adjustment approved the applications on January 28, 2009, with notice of that decision being issued February 5, 2009. The applicants have until February 5, 2010, to clear the conditions and finalize their severances.

Details of Submitted Application:

Location: 9862 Twenty Road West

Owners/Applicants: Carol Ann Blaylock and Gail May Blaylock

Property Description:

- Frontage: Approximately 23.19 metres
- Depth: Approximately 171.42 metres
- Area: Approximately 0.4 hectares
EXISTING LAND USE AND ZONING:

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<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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<td><strong>Subject Lands</strong></td>
<td>Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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<td><strong>Surrounding Lands</strong></td>
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<td>North</td>
<td>Single Detached Dwellings</td>
<td>Residential “R3-140” Zone</td>
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<td>South</td>
<td>Golf Course</td>
<td>Private Open Space “OS-1” Zone</td>
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<td>East</td>
<td>Single Detached Dwellings</td>
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<td>and Residential “R4-221” Zone</td>
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<td>West</td>
<td>Single Detached Dwellings</td>
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<td>and Residential “R4-197” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

   (iii) It is compatible with the existing and planned uses in the surrounding area.

   (iv) The proposed change in zoning satisfies the applicable conditions of approval for Consent Applications GL/B-08:165 and GL/B-08:166, which were approved by the Committee of Adjustment on January 29, 2009 (see Appendices “C” and “D” - Condition 4).

2. The proposed change in zoning is to facilitate Severance Applications GL/B-08:165 and GL/B-08:166, which allows for the continued orderly development of Kopperfield Lane. The severed parcels are in keeping with the existing and proposed uses in the area, and the associated change in zoning can be supported.

3. Approval of the application would necessitate the following modifications in zoning:

   **Lot Frontage:**

   A reduction in the minimum lot frontage for Parts 1 and 2 (see Appendix “C”) from 12m to 11.7m. Staff is of the opinion that the proposed frontage is consistent with the majority of lots in the surrounding area and those fronting onto Kopperfield Lane.
and Kellogg Avenue and, therefore, the 0.3m reduction in the standard R4 lot frontage is supportable.

Lot Area:

The applicant has also requested a reduction in the minimum lot area from 400m$^2$ to 351.6m$^2$ (Part 1), and 355.4m$^2$ (Part 2) (see Appendix “C”). Based on the surveys provided with Consent Applications GL/B:08-165 and GL/B:08-166, staff is of the opinion that the requested decrease in lot area will not create any significant impacts on the surrounding property owners.

Front Yard Setback:

The applicant has requested a reduction in front yard setback from 7.5 metres to 6.0 metres to permit dwellings on the subject lots that will be in keeping with the existing surrounding dwellings. The reduction in front yard setback is also supportable as it is consistent with the setbacks permitted in the abutting modified “R4” Zones.

Side Yard Setback:

The applicant has requested a reduction in the side yard setback from 1.2 metres to 0.9 metres. Staff does not support this reduction since staff is of the opinion that the lots are still of an adequate width to accommodate a dwelling and the abutting properties did not request/require a reduction in the side yard setback, so a reduction in side yard setback would not be consistent with the surrounding streetscape.

4. The applicant has requested that the balance of the subject lands be rezoned to the “H-R4-258” zone, with a Holding provision, to allow the future development of four residential lots once Kellogg Avenue has been extended to the east across the subject lands. Removal of the Holding provision would require full services be provided for the proposed lots. The development of the proposed lots on Kellogg Avenue would result in a remnant parcel containing the current dwelling at 9862 Twenty Road West. Before those lots could be created, the applicant would need to demonstrate that the existing septic system can be accommodated, or that full services are available along Twenty Road West for the remnant parcel. The enactment of a Holding provision on the subject lands would allow for future development to occur in a form substantially in accordance with the North-West Glanbrook Planning Area Secondary Plan and, as such, staff feels that it is appropriate to apply the Holding provision until such time as full servicing is available and orderly development can occur.

5. As a condition of the severance approval (Condition 9 - Appendix “C”), the proponent must prepare a reference plan to lift the 0.3m reserve on Kopperfield Lane adjacent to the subject lands. Presently, there is sufficient capacity to service the two proposed single detached dwellings on Kopperfield Lane.
6. The proposed development is compatible with the existing development in the
neighbourhood and the objectives of the North-West Glanbrook Planning Area. The
approved severances will still permit the future extension of Kellogg Avenue to the
east, as set out in the neighbourhood plan (see Appendix "E"). Accordingly, the
proposal conforms to the North-West Glanbrook Planning Area Land Use Plan and
can be supported.

7. Staff has identified potential archaeological concerns and requires that an
archaeological assessment of the entire development property be completed, to the
satisfaction of the Director of Planning, and the Ministry of Culture. A condition was
placed on the approval of Consent Applications GL/B-08:165 and GL/B-08-166,
which appropriately addresses this concern (see Appendix “C” - Condition 3, and
Appendix “D” - Condition 3).

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the property would remain zoned Existing Residential
“ER” Zone, and approval of the severances would lapse. Any future use would have to
conform to the provisions of the Existing Residential “ER” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public
Meeting to consider an application for a change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement
(PPS). The application is consistent with the policies that focus growth in settlement
areas (Policy 1.1.3.1).

Policy 2.6.2 outlines that development and site alteration may be permitted on lands
containing archaeological resources or areas of archaeological potential if significant
archaeological resources have been conserved by removal and documentation, or
preservation on site. Where significant archaeological resources must be preserved on
site, development and site alteration, which maintains the heritage integrity of the site,
may be permitted. Consent Applications GL/B-08:165 and GL/B-008:166 contain
conditions of approval (see Appendix “C” - Condition 3, and Appendix “D” - Condition 3)
requiring an Archaeological Assessment to be conducted, to the satisfaction of the
Places to Grow

The application has been reviewed with respect to the Greater Golden Horseshoe Growth Plan. The subject property falls within the Built Boundary, and is consistent with the policies that focus growth in settlement areas (Policy 2.2.2.1(j)).

The vision for the Greater Golden Horseshoe Growth Plan is grounded in the following principles, which provide the basis for guiding decisions on how land is developed, resources are managed, and public dollars invested:

- Build compact, vibrant, and complete communities.
- Plan and manage growth to support a strong and competitive economy.
- Protect, conserve, enhance, and wisely use the valuable natural resources of land, air, and water for current and future generations.
- Optimize the use of existing and new infrastructure to support growth in compact, efficient form.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.
- Promote collaboration among all sectors - government, private and non-profit, and residents to achieve the vision.

The proposed rezoning will allow for the continued development of a complete community within an area designated for development within the Township of Glanbrook Official Plan, and will maintain the vision of the Greater Golden Horseshoe Growth Plan, and promote its grounding principles. Therefore, the proposal is consistent with the principles and policies of the Greater Golden Horseshoe Growth Plan.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As outlined earlier, Consent Applications GL/B-08:165 and GL/B-08:166 contain, as a condition of approval (see Appendix “C” - Condition 3, and Appendix “D” - Condition 3), that an Archaeological Assessment be conducted prior to the final approval of the severances.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Glanbrook Official Plan**

The subject property is located in the “Urban Area” and is designated “Residential” on Schedule “A” - General Land Use Plan, and “Low Density Residential” - North-West Glanbrook Planning Area and Land Use Plan on Schedule “G”, in the Township of Glanbrook Official Plan. The following policies, among others, apply:

B.2 With respect to the lands on the north side of Twenty Road West (west of Highway No. 6), it is anticipated that a large portion of this area will be developed for a specific residential purpose, namely residential retirement communities, although conventional residential development is permitted thereon and throughout all of the Residential lands along Twenty Road;

B.2.1.1 The predominant use of lands designated Residential on Schedule “A” - Land Use Plan shall be residential dwellings. It is intended that the Township provide for a variety and mix of housing types to address all housing needs throughout the Township, including but not limited to, single detached dwellings, semi-detached dwellings, townhouses, and apartments. Innovative housing types may also be considered by Council;

B.2.1.5 New Residential development shall be primarily on the basis of Plans of Subdivision pursuant to Section 50 of the Planning Act. However, the division of land by consent for severance by the Region of Hamilton-Wentworth Land Division Committee may be considered where the proponent demonstrates that his or her application for consent for severance is warranted, and in conformity with the policies of this Plan and the Regional Official Plan;

B.2.1.11(a) The following policies identify the range of net residential densities and the general locational criteria for each of the density categories:
Low Density Residential:

Low Density Residential development shall consist primarily of single detached, semi-detached, duplex, and triplex units at a maximum net residential density of 25 units per net hectare (10 units per net acre). Generally, low density development shall be located in the interior of residential neighbourhoods, adjacent to local roads;

B.2.1.25 North-West Glanbrook Planning Area

B.2.1.25.1(a) The following Objectives constitute the fundamental guidelines which shall direct the development of the North-West Glanbrook Planning Area:

Residential

(i) To create residential areas consisting of a range of housing types with predominantly low density residential development along with some medium density residential development. Some limited high density residential development shall also be permitted with regard to, among other matters, compatibility with adjacent land uses.

(iv) Future residential development shall consider and be sensitive to existing residential development, and shall also provide for the redevelopment of the vacant portions of existing large lot residential development.

(vi) To ensure that future residents of residential development are advised of the proximity of the Hamilton Airport, and the potential for noise nuisance at times related to Airport activity; and,

B.2.1.25.1(e) The following Objectives constitute the fundamental guidelines which shall direct the development of the North-West Glanbrook Planning Area:

Engineering Services

To provide new development with adequate full municipal services including sanitary sewers, watermains, Stormwater drainage facilities and utilities, in a coordinated, comprehensive, and environmentally sound manner.

B.2.1.25.2(a) The majority of the North-West Glanbrook Planning Area shall be developed for residential purposes. Lands designated Residential shall be developed in accordance with Schedule “G” - North-West Glanbrook Planning Area Land Use Plan, the pertinent policies of the Township Official Plan, and the following specific policies:
(i) Residential development within the North-West Glanbrook Secondary Planning Area shall proceed on the basis of providing for a total population of approximately 5,600 persons.

(ii) Housing opportunities within this Secondary Planning Area must be responsive to a variety of housing needs. Council is committed to providing a variety of housing opportunities suitable to a wide range of housing needs for its residents. In this regard, it is intended that this Planning Area provide for a variety and mix of housing types, including, but not limited to, single detached dwellings, semi-detached dwellings, townhouses, apartments, and special needs housing.

(iv) The rear portion of existing large lot residential development fronting Glancaster and Twenty Road West shall be encouraged to be redeveloped in conformity with the designation identified on Schedule “G” North-West Glanbrook Planning Area Land Use Plan and in conformity with the other relevant policies of this Plan.

(v) To minimize conflicts, new residential development proposed to be developed contiguous to the existing large lot residential development shall be restricted to low density residential development.

(vii) The housing types and density and development for the Low Density Residential, Medium Density Residential, and High Density Residential designations shall be in accordance with Policies B.2.1.10 and B.2.1.11 of the Township Official Plan and the following specific policies:

(1) The predominant form of residential development within the North-West Glanbrook Planning Area shall be Low Density Residential development as designated on Schedule “G” - North-West Glanbrook Planning Area Land Use Plan.

Based on the foregoing, the proposal conforms to the “Residential” and “Engineering Services” Objectives of the North-West Glanbrook Planning Area Secondary Plan, as well as the “Residential” designation of the Township of Glanbrook Official Plan.
RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Capital Planning and Implementation Division, Public Works Department.
- Water and Wastewater Division, Public Works Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Transit Division, Public Works Department.
- Culture and Recreation Division, Community Services Department.
- Niagara Peninsula Conservation Authority.
- Union Gas.
- Bell Canada.
- Hydro One Networks Inc.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.

Forestry and Horticulture Section, Public Works Department

Staff identified that there are municipal forestry conflicts located on or directly adjacent to the Kopperfield Lane road allowance. In this regard, the conditions of approval imposed by the Committee of Adjustment on Application GL/B-08:165 require that the owner/applicant satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry and Horticulture Section (see Appendix “C”-Condition 5).

Public Consultation

In accordance with the Council’s Public Consultation policy, preliminary circulation of the application is not required if the application is part of the implementation of a planning study or other application, such as consent, which has been approved within one year of public involvement and participation opportunities. Since the property was also the subject of Consent Applications GL/B-08:165 and GL/B-08:166 in December, 2008, which was a public process, preliminary circulation of the Zoning By-law Amendment was not required. No letters were received in response to the circulation of Consent Applications GL/B-08:165 and GL/B-08:166, and no members of the public were present at the Committee of Adjustment meeting.

In accordance with the new provisions of the Planning Act, Notice of Complete Application for the Zoning By-law Amendment was circulated to 94 property owners within 120 metres of the subject property on March 16, 2009. To date, no formal responses have been received. In addition, a Public Notice Sign was erected on the property, and notice of the Public Meeting was given in accordance with the requirements of the Planning Act.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care, and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The economic base is diversified, while investment in Hamilton is enhanced and supported by compact development utilizing existing infrastructure and minimizing land consumption.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:JMB
Attachs. (5)
Appendix “A” to Report PED09296

Location Map

Site of the Application

Subject Property
9852 Twenty Road West, Mount Hope

- Lands to be rezoned from the Existing Residential “ER” Zone to the Residential “R4-258” Zone
- Lands to be rezoned from the Existing Residential “ER” Zone to the Residential “H-R4-258” Holding Zone.

Date: October 30, 2009

File Name/Number: ZAR-09-081

Scale: N.T.S.

Planner/Technician: MB/AL

Ward 11 Key Map

N.T.S.
CITY OF HAMILTON

BY-LAW NO. ___

To Amend Zoning By-law No. 464
Respecting the Lands Located at 9862 Twenty Road W. (Glanbrook)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the Township of Glanbrook” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 09-___ of the Economic Development and Planning Committee at its meeting held on the ___ day of ____, 2009, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “E”, appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Existing Residential “ER” Zone to the Residential “R4-258” Zone, on the lands comprised of Block 1; and by changing the zoning from the Existing Residential “ER” Zone to the Residential “H-R4-258” Holding Zone on the lands comprised of Block 2, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464, be amended by adding the following:

“R4-258 and H-R4-258

Notwithstanding the minimum lot frontage, minimum lot area, front yard, and side yard setback regulations of Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL “R4” ZONE, the following regulations shall apply to those lands zoned site-specific Residential “R4-258”:

REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)

(i) Minimum Lot Frontage: 11.7 metres

(ii) Minimum Lot Area: 350.0 square metres

(iii) Minimum Front Yard 6.0 metres

That the ‘H’ symbol applicable to the lands zoned “H-R4-258” may be removed by further amendment to this By-law at such time as the following matters have been completed:

(a) That the extension of Kellogg Avenue has been completed, to the satisfaction of the Director of Development Engineering.

(b) That the provision of adequate servicing has been allocated for the proposed development along both Kellogg Avenue and Twenty Road West, to the satisfaction of the Director of Development Engineering.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential “R4” Zone provisions, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
PASSED and ENACTED this [C] day of [C], 2009.

__________________________  _________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                      Clerk

ZAC-08-081
Appendix “B” to Report PED09296
(Page 4 of 4)

This is Schedule "A" to By-Law No. 09-
Passed the ............ day of ......................, 2009

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Clerk

Mayor

Subject Property
9802 Twenty Road West, Mount Hope

Block 1 - Lands to be rezoned from the Existing
Residential "ER" Zone to the Residential "R4-258"
Zone.

Block 2 - Lands to be rezoned from the Existing
Residential "ER" Zone to the Residential
"H-R4-258" Holding Zone.

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Schedule "A"
Map Forming Part of
By-Law No. 09-______
to Amend By-law No. 464

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Scale:
N.T.S.

File Name/Number:
ZAR-08-061

Date:
November 3, 2009

Planner/Technician:
MB / AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT—LAND SEVERANCE
APPLICATION NO. GL/B-08-165
SUBMISSION NO. B-165/08

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 9862 Twenty Road West, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Douglas Blaylock on behalf of the owners Carol Blaylock and Gall Blaylock, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land having a frontage (on Kopperfield Lane) of 23.4m and an area of 707m² for single family residential purposes, and to retain a parcel of land having a frontage of 23.18m and an area of 3,304.1m² containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Township of Glanbrook Official Plans.

2. The Committee considers the proposal to be in keeping with development in the area.

3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant demonstrate how the retained portion will be serviced to the satisfaction of the Manager of Development Engineering and the Manager of the Building and Licensing Department;

3. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

4. That the owner/applicant receive final approval of a rezoning application (ZAR-08-061) to rezone the conveyed lands to an appropriate residential zone.

5. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.
6. The owner shall submit survey evidence that the existing dwelling located on the lands to be retained conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).

7. That the owner submit to the Committee of Adjustment office an administration fee of $15.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

8. That the Owners dedicate to the City of Hamilton by deed 8.3m of land from the lands to be retained for road allowance widening purposes to establish the ultimate road width of Twenty Road West of 26.0m.

9. That the Owners pay their share for the installation of the existing road, storm and sanitary sewers on Kopperfield Lane and prepare a reference plan to lift the 0.3m reserve adjacent to the subject lands.

10. That the Owners enter into and register on title of the lands a Consent Agreement with the City of Hamilton to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Director of Development Engineering that all drainage from the site is taken to a suitable outlet.

11. That the Owner shall agree in writing not to petition against or oppose the construction of a main sewer in Twenty Road West, and the whole or part of the expense of installing which main sewer is to be specially assessed against the said parcel, and that if his name or the name of any of his successors in title appear on any such petition, the same may be disregarded in determining the number of owners petitioning against any such proposed work and in determining the value of the lands to be specially assessed.

DATED AT HAMILTON this 29th day of January, 2009.

M. Budge, Chairman

C. Lewis

D. Servatuk

D. Smith

D. Drury

J. Tew

V. Abraham

L. Gaddys

M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 5th, 2009.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 5th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(11)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS February 25th, 2009.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE [TO BE INCLUDED IN DECISION IF APPROVED]:

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 87 Kopperfield Lane, and that the lands to be retained will be assigned the municipal address of 85 Kopperfield Lane.

2. Staff note that the applicant will be required to pay cash/cheque of parkland dedication at the time of a Building Permit application for the newly created lots, based on the value of the lands as of the day before the Building Permit issuance.
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-08:166
SUBMISSION NO. B-166/08

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as the rear lands of Municipal number 9862 Twenty Road West, formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owners Carol Blaylock and Gail Blaylock, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land having a frontage (on Kopperfield Lane) of 11.7m and an area of 355.4m² for single family residential purposes, and to retain a vacant parcel of land having a frontage (on Kopperfield Lane) of 11.7m and an area of 351.6m² for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, IS APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Township of Glenbrook Official Plans.

2. The Committee considers the proposal to be in keeping with development in the area.

3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant demonstrate how the retained portion will be serviced to the satisfaction of the Manager of Development Engineering and the Manager of the Building and Licensing Department;

3. That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements; and,

4. That the owner/applicant receive final approval of a rezoning application (ZAR-08-081) to rezone the conveyed and retained lands to an appropriate residential zone.

5. That the Owners enter into and register on title of the lands a Consent Agreement with the City of Hamilton to deal with the grading and drainage on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Development Engineering that all drainage from the site is taken to a suitable outlet.
6. That the owner submit to the Committee of Adjustment office an administration fee of $15.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 29th day of January, 2009.

M. Dodicic, Chairman

C. Lewis

D. Serravut

D. Drury

L. Tew

V. Abdahy

L. Gaddy

M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 5th, 2009.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (February 5th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS February 29th, 2009.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 87 Kopperfield Lane, and that the lands to be retained will be assigned the municipal address of 65 Kopperfield Lane.

2. Staff note that the applicant will be required to pay cash-in-lieu of parkland dedication at the time of a Building Permit application for the newly created lots, based on the value of the lands as of the day before the Building Permit issuance.